



Planning and Environmental Quality

April 17, 2003

INSTRUCTIONS FOR PROCESSING A NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT

Environmental Impact Statements (EISs) follow a standard notification process that begins with a Notice of Intent (NOI) to prepare an EIS, followed by preparation of Notices of Availability (NOA) for the Draft and Final Environmental Impact Statements, and concludes with publication of the Record of Decision (ROD). These instructions will cover processing a Notice of Intent. Please see similar instructions on the Intermountain Intranet for processing Notices of Availability and Record of Decision. These instructions are also available on the Intranet at <http://im.den.nps.gov> (click on the box to the right of Planning & Env Quality, then click on Tools and scroll down to Environmental Quality Tools) or contact Planning Technician Roxanne Runkel at (303) 969-2377 or by e-mail for copy.

The Council on Environmental Quality regulations for implementing the National Environmental Policy Act (§1508.22) specify that a Notice of Intent (NOI) to prepare an EIS be published in the *Federal Register*.

i. Determine if signature authority for the EIS is delegated to NPS or if Department of Interior or other approval is needed.

Delegated EIS

Decision authority on the proposed action rests by delegation with a single Assistant Secretary or a subordinate officer. Typically, the authority to approve the proposed action rests with the Regional Director. Exceptions include Outer Continental Shelf oil and gas lease sale and program EISs, wilderness proposal EISs, wild and scenic river EISs, EISs for proposals that result from study processes required by statute (e.g. new area studies), EISs for major bureau legislative proposals with significant environmental impact, and major bureau comprehensive program proposal EISs.

Non-Delegated EIS

There are four circumstances, any of which would require a non-delegated EIS:

- a) Decision authority on the proposed action requires the approval of more than one Assistant Secretary (or bureaus under more than one Assistant Secretary).
- b) The EIS is reserved or elevated to the Secretary (or Office of the Secretary) by expressed interest of the Secretary, Deputy Secretary, Chief of Staff, Solicitor, or Assistant Secretary for Policy, Management and Budget.
- c) The proposed action is of a highly controversial nature or one in which the Secretary has taken a prominent public position in a highly controversial issue.

- d) The proposed action faces a high probability of judicial challenge to the Secretary. Notify the Office of Environmental Policy and Compliance (OEPC) about **non-delegated** EISs (or when EISs are required for proposals where delegation is unclear) **before** filing the Notice of Intent. The DOI Contact is:

Department of Interior Office of Environmental Policy and Compliance
Ms. Gwendalyn McFadden
1849 C Street NW, Room 2340
Washington, D.C. 20240
(202-208-3891)

2. Prepare the Notice of Intent (NOI) for Regional Director's Signature.

Be certain that all documents conform to the publication requirements for the *Federal Register*. We suggest you use our fill-in-the-blank NOI (**example 1**). If you do not use the fill-in-the-blank NOI, you will need to send the NOI to the Regional Solicitor's Office for approval prior to submittal. This will take about 30 days. For more information, you may access the *Document Drafting Handbook* via the Internet at www.archives.gov, select "Federal Register," and then "Document Drafting Handbook." All notices must be **single-sided and double-spaced** and will require the Regional Director's signature.

Parks may e-mail the NOI and the briefing statement to the Intermountain Support Office in order to obtain the Regional Director's signature. After the NOI is signed, the NOI will be mailed back to the sender so that the transmittal package can be completed and mailed to the *Federal Register* Liaison. **Please read each transmittal letter carefully!** There are different enclosures for each letter that must be included in the packet. To obtain the Regional Director signature, please send to:

Roxanne Runkel
NPS, Intermountain SO-Denver
Mail Address:
P.O. Box 25287
Denver, CO 80225-0287
Phone: (303) 969-2377

Email: Roxanne.Runkel@nps.gov

Street Address (for express mail):
12795 West Alameda Parkway
Lakewood, CO 80228

- When submitting documents with specific dates mentioned (e.g., meeting notice) allow sufficient time between your submission date and the meeting date. Allow approximately 45 days for review and publication of non-controversial *Federal Register* notices.
- **Copies of your notice should not be distributed to the public or other agencies until your *Federal Register* notice has been approved for publication by the Department.** It is important that any issues of concern by the Department be resolved **before** the document is available to the public.

3. Prepare a Briefing Statement.

A briefing statement (**example 2**) must accompany all notices. The briefing statement should include a bulleted summary of the issues being addressed, what Congressional

District(s) could be affected/interested, what public or local government participation and input has been included in the preparation of the notice, and an appropriate program contact name and phone number.

The briefing statement should be e-mailed to Chick Fagan, WASO Ranger Activities, at the same time that the NOI transmittal package is express mailed to Debra Melton (see step #4 below). Chick Fagan can be reached at (202) 208-7469, Chick_Fagan@nps.gov.

If your project is considered a “hot topic” (there could be enough controversy to raise the project to the Regional Director’s, Director’s, or Secretary’s attention), send a copy of the briefing statement (example 2) to the Regional Director’s office and brief the Deputy Regional Director or Regional Director before sending the notice to WASO.

4. Send the Transmittal Package to the *Federal Register* Liaison.

The transmittal package is then sent to Debra Melton, *Federal Register* Liaison, (202) 354-1904. After the notice is approved, Ms. Melton usually takes the NOI package to the *Federal Register* office within 3-4 working days. Her address is:

Debra Melton
NPS, Administrative Program Center
1201 Eye Street, NW
12th Floor, Room 14
Washington, D.C. 20005

In the unlikely event that you should need it, the *Federal Register* telephone number is (202) 523-3187. With the exception of the NOI itself, the following additional correspondence **does not** require the Regional Director’s signature. Please ensure that your superintendent or project manager/job captain (for IMR and DSC projects) signs the correspondence. The transmittal package must include:

- a) Cover transmittal memo to *Federal Register* Liaison Office (example 5).
- b) 3 signed original NOIs and 3 copies (**ORIGINAL NOIs MUST BE SIGNED IN BLUE INK AND MUST BE SINGLE-SIDED AND DOUBLE-SPACED**) (example 1).
- c) Briefing Statement (example 2).
- d) Solicitor’s Office memo approving NOI for legal sufficiency (example 4).
- e) Hard copy of the purchase request for publication costs (example 3). The purchase request should be made out to the *Federal Register*. Costs are \$ 93/page (if formatted per example 1) with disk, or a minimum of \$155.00 if there is only one page. The *Federal Register* will only accept payment through a purchase request and will not accept payment from contractors.
- f) A labeled 3.5” floppy disk (not a CD) containing the NOI with only one document per disk. The label should read:

Agency:	DOI/NPS
File Name:	NOI[Park].doc (or whatever the file is named)
Program Version:	Word 6 (or whatever program it is in)

Title (spelled out): **Notice of Intent [Park]**

g) Letter to *Federal Register* Office Director certifying disk is true copy (**example 6**).

NOTE: Acquiring the Regional Director's signature on the NOI is the responsibility of the Intermountain Support Office-Denver. After the NOI is signed, the NOI will be mailed or express mailed back to the park for further processing. It is the park's/team captain's responsibility to send the transmittal package to the Federal Register.

5. Obtain clearance to release the NOI.

On a regular basis, the Washington Office sends a list of notices that are cleared to print to the Support Office. Once your notice appears on that list, the Support Office will notify the park/project contact that the NOI is cleared. You may then complete steps 6-8.

DO NOT COMPLETE STEPS 6-9 WITHOUT THIS CLEARANCE.

6. Send cover transmittal letter to the EPA office responsible for the state in which the park is located (example 7).

Include a copy of the signed NOI (example 1). Send to one of the following:

Region 6 (NM, OK, TX)

Michael Jansky
Environmental Protection Agency
First International Bank
Tower & Fountain Place
1445 Ross Avenue, 12th Floor
Dallas, TX 75270
(214) 665-7451

Region 8 (CO, MT, UT, WY)

Cindy Cody
Environmental Protection Agency
999 18th Street, Suite 500-8EPR-PS
Denver, CO 80202-2466
(303) 312-6228

Region 9 (AZ)

David Farrel, CMD-2
Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1584

7. Send cover transmittal memo to the Office of Environmental Policy and Compliance.

Prepare a cover memo to Willie Taylor, Director, Office of Environmental Policy and Compliance (**example 8**). Include a copy of the signed NOI (example 1), a copy of the cover transmittal memo to the *Federal Register* Liaison Officer (example 5), and a copy of the cover transmittal letter to the Regional EPA office (example 7). Send the package to:

Mr. Willie Taylor
Office of Environmental Policy and Compliance
1849 C Street NW, Room 2340
Washington, DC 20240

8. Send cover transmittal memo to the WASO Environmental Quality Division.

Prepare a cover memo to Jake Hoogland, Chief, Environmental Quality Division (example 9). Include a copy of the signed NOI (example 1), a copy of the cover transmittal memo to the *Federal Register* Liaison Officer (example 5), a copy of the cover transmittal letter to the Regional EPA office (example 7), and a copy of the cover transmittal letter to the Director of the Office of Environmental Policy and Compliance (example 8). Send the package to:

Mr. Jacob J. Hoogland
Environmental Quality Division
1849 C Street NW, Room 2749
Washington, DC 20240-0001

9. Confirm NOI publication date.

The Intermountain Support Office will notify the park after the NOI is published or you may check the *Federal Register* on-line at www.access.gpo.gov/nara/.

Example 1

DEPARTMENT OF THE INTERIOR

National Park Service

[Document or Plan Name], Environmental Impact Statement, [Park Name]

National [Unit Type], [State]

AGENCY: National Park Service, Department of the Interior

ACTION: Notice of Intent to prepare an Environmental Impact Statement for the [Plan Name], [Park Name] National [Unit Type]

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(C), the National Park Service is preparing an Environmental Impact Statement for the [Plan Name] for [Park Name] National [Unit Type], [State]. This effort will result in a [describe type of plan, e.g. comprehensive general management plan that encompasses preservation of natural and cultural resources, visitor use and interpretation, roads, and facilities]. In cooperation with [Name], attention will also be given to resources outside the boundaries that affect the integrity of [Park Name] National [Unit Type]. Alternatives to be considered include no-

action, the proposed action (if known), and [describe the alternatives briefly].

Major issues include _____
_____.

A scoping [brochure or letter] has been prepared that detail the issues identified to date. Copies of that information may be obtained from [Contact name, address, and telephone number].

DATES: The Park Service will accept comments from the public through **[INSERT DATE 30 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER (the Federal Register will insert the date)]**.

ADDRESSES: Information will be available for public review and comment in the office of the Superintendent, and at the following locations [Superintendents name, address, and phone number of park unit office and any other location, including the Internet]

FOR FURTHER INFORMATION CONTACT: [Contact name, address, phone number, and e-mail address]

SUPPLEMENTARY INFORMATION: If you wish to comment on the scoping brochure or on any other issues associated with the plan, you may submit your comments by any one of several methods. You may mail

comments to [office name and address]. You may also comment via the Internet to [office Internet address]. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: [any identifying names or codes]" and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at [office contact and telephone number]. Finally, you may hand-deliver comments to [office street address]. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours.

Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATED: _____

[Name of person who actually signed notice]
Director, Intermountain Region, National Park Service [Add Deputy,
if needed]

Example 2

BRIEFING STATEMENT TEMPLATE

Replace information in italics with your text (2-page maximum)

Unit: *Park Name*

Title: *Document Type, project title (e.g. Record of Decision, General Management Plan)*

Congressional Districts:

Minnesota 8th District James Oberstar
Senate Paul Wellstone, Mark Dayton

Describe when and at which steps you contacted the delegation. If you briefed other members/staff (e.g. committee), describe those contacts as well.

Issues:

- *Describe the project's process (e.g. The general management plan will conclude with this decision document, which completes a 3-year planning and public participation process. About __ copies of the documents were distributed to the public.)*
- *Describe where we got the authority to do the plan/project and why we need to do it (e.g. The Visitor Use and Facilities Plan segment of the plan was authorized in statute in 1982, but funds for its preparation had never been authorized. When the park commenced its General Management Planning process, it convened a separate Consultation Group of 41 participants to discuss issues related to visitor uses and facilities in the vicinity of the park. The head of the Minnesota Department of Mediation Services served as the facilitator for the group.).*
- *Describe the public review process [e.g. The park conducted 12 public meetings at various stages in the plan – scoping, alternatives, draft – in four locations: International Falls, Orr, Duluth, and the Twin Cities. In addition, the consultation group met 13 times. It consisted of Federal (USFS), State (DNR, Department of Tourism) Provincial (Ontario Ministry of Natural Resources), and local officials (city, county, and lake associations), tourism professionals, and persons experienced in outdoor recreation (University of Minnesota), as directed by the statute. The Visitor Use and Facilities Plan companion document to the General Management Plan was prepared in consultation with that group, also as directed by the statute.]*
- *Summarize the public comment (e.g. There was extraordinary participation in the planning process – over 2000 commented on the draft plan. In spite of the fact that the park has been controversial for much of its 25-year history, there was remarkable unanimity in comments. Most said that they like the park as it is now and sought only to maintain the diversity of uses, the peace and quiet and freedom that characterize recreational experiences in the park now. Most comments suggested more stringent alternatives for management than are presented in the GMP/VUFP/EIS.)*
- *Describe the hot topics, controversial, and sensitive issues [e.g. The single major issue that generated the most discussion was the question of how many houseboats should be permitted in the park. Until now, there have been no permits required for houseboats (or any other users). The plan calls for a subsequent Houseboat Management Plan once 60 houseboats (overnight) are counted in either of the park's two basins. That subsequent plan will establish the carrying*

capacity of the park for houseboats. It is anticipated that this threshold (60 boats) will not be reached for several more years since the largest number of houseboats counted to date in a basin is 45.]

- *Describe how the plan/project addresses the issues (e.g. The plan makes no changes with respect to the types or kinds of motorized and non-motorized use in the park. It has no effect on the existing use of snowmobiles or floatplanes in the park. There are no fees at Voyageurs. There is no fee to enter the park and none is sought by the plan. Because of the difficulties of counting visitors was raised as an issue repeatedly, the park proposes to implement a free, self-registration permit system for overnight users to provide more reliable information, beginning next year.)*
- *Describe input received from state/local officials [e.g. County officials sought an extension in the comment period of 90 days in the fall of 2000. The park granted an extension of 60 days so that the total comment period for the plan was 120 days. (CEQ minimum is 45 days). Only one of the two counties submitted comments. Both counties held their own public hearings on the plan. The transcripts of those hearing are included in the GMP/VUFP/EIS and issues raised in those meetings are responded to, where appropriate.]*
- *Describe input received from Congressional contacts [e.g. A delegation of local officials, accompanied by Senator Dayton (and representatives from other Minnesota Congressional offices), met with NPS Director Fran Mainella, Regional Director Bill Schenk, and others in Washington on September 7, 2001. They requested that the document not be released. The Director indicated that she could find no reason to delay the plan's distribution. Accordingly, when the document was received from the printer, distribution of the plan began.]*
- *Describe media coverage (e.g. Newspaper articles and radio reports on the availability of the plan have appeared in regional media. To date, the park has received no written comments and a few phone calls.)*

Contact: *Name, Title, Location, Phone (should be someone who is intimately familiar with the project and can answer all questions)*

Example 3

Purchase Request Example

Example 4

Solicitor’s Office memoranda

The Solicitor’s Office memorandum is a document that approves the Notice of Intent for legal sufficiency. A copy of this memorandum is required by the Federal Register Liaison Officer in order to publicize the notice.

If you use the standard notice of intent template for your notice, you may use the appropriate Solicitor’s Office approval memorandum (see below) as your legal sufficiency memorandum.

<u>Office of the Solicitor</u>	<u>States</u>
Rocky Mountain Region	Colorado and Wyoming
Southwest Region	Arizona, New Mexico, Texas, and Oklahoma
Salt Lake City	Utah
Billings	Montana

These memos are attached as Examples 4A, 4B, 4C, and 4D.

Example 4A

Example 4B

Example 4C

Example 4D

Example 5

(PLACE YOUR PARK/OFFICE LETTERHEAD HERE)

L7617

Memorandum

To: *Federal Register* Liaison Officer, WASO-237

From: Superintendent, [Park Name] National [Unit Type] **OR**
Project Manager/Job Captain, [Office Title]

Subject: *Federal Register* publication - Notice of Intent to Prepare an Environmental Impact Statement for the [Plan Name] , [Park Name] National [Unit Type]

Enclosed are three signed original NOIs and three copies for publication in the *Federal Register*. Also enclosed are copies of the briefing statement, an approved purchase request to cover the costs of publication, a memorandum from the Regional Solicitor's Office approving our standard form of notice for legal sufficiency, a floppy disk containing the notice, and a letter to the Director of the Office of the *Federal Register* stating the disk is certified to be a true copy of the original document.

[Name of Superintendent, Project Manager/Job Captain]

Enclosures 11

cc:
WASO-2310, Hoogland
WASO-2340, Taylor
IMSO-DE-PE, Runkel

Example 6

(PLACE YOUR PARK/OFFICE LETTERHEAD HERE)

L7617

Ray Mosely, Director
Office of the *Federal Register*
800 N. Capitol
Room 700
Washington, D.C. 20008

Subject: *Federal Register* publication – Notice of Intent to Prepare an Environmental Impact
Statement for [Plan Name] , [Park Name] National [Unit Type]

Dear Mr. Mosely:

We hereby certify that the enclosed disk is a true copy of the original subject document, which is also enclosed.

Sincerely,

 [Name of Superintendent] **OR** [Name of Project Manager/Job Captain]
 [Park Name] National [Unit Type] [Office Title]

Enclosures included in transmittal package

cc:
IMSO-DE-PE, Runkel

Example 7

(PLACE YOUR PARK/OFFICE LETTERHEAD HERE)

L7617

Michael Jansky
Region 6
Environmental Protection Agency
First International Bank
Tower & Fountain Place
1445 Ross Avenue, 12th Floor
Dallas, TX 75270

Dear Mr. Jansky:

Enclosed please find a copy of the Notice of Intent to prepare an Environmental Impact Statement for the [Plan Name] , [Park Name] National [Unit Type] .

Sincerely,

[Name of Superintendent] **OR**
 [Park Name] National [Unit Type]

[Name of Project Manager/Job Captain]
 [Office Title]

Enclosure

cc:
WASO-2310, Hoogland
WASO-2340, Taylor
IMSO-DE-PE, Runkel

Example 8

(PLACE YOUR PARK/OFFICE LETTERHEAD HERE)

L7617

Memorandum

To: Director, Office of Environmental Policy and Compliance

From: Superintendent, [Park Name] National [Unit Type] **OR**
Project Manager/Job Captain, [Office Title]

Subject: Notice of Intent to Prepare an Environmental Impact Statement for the [Plan Name],
[Park Name] National [Unit Type]

Enclosed for your use is a copy of the Notice of Intent to prepare an Environmental Impact Statement for the [Plan Name], [Park Name] National [Unit Type]. Also enclosed is a copy of the cover transmittal memo to the *Federal Register* Liaison Officer as well as the cover transmittal letter to the Regional EPA office. Questions may be directed to [Contact person name and phone number].

[Name of Superintendent, Project Manager/Job Captain]

Enclosures 3

cc:
WASO-2310, Hoogland
IMSO-DE-PE, Runkel

Example 9

(PLACE YOUR PARK/OFFICE LETTERHEAD HERE)

L7617

Memorandum

To: Chief, Environmental Quality Division, WASO-2310

From: Superintendent, [Park Name] National [Unit Type] **OR**
Project Manager/Job Captain, [Office Title]

Subject: Notice of Intent to Prepare an Environmental Impact Statement for the [Plan Name],
[Park Name] National [Unit Type]

Enclosed for your information is a copy of the subject document. Also enclosed are copies of correspondence with the *Federal Register* Liaison Officer, the Regional Environmental Protection Agency, and the Department of Interior Office of Environmental Policy and Compliance. Questions on the project may be directed to [Contact name and phone number].

[Name of Superintendent, Project Manager/Job Captain]

Enclosures 4

cc:
IMSO-DE-PE, Runkel